

KAEMPFER CROWELL
Ryan M. Lower, No. 9108
Raleigh C. Thompson, No. 11296
1980 Festival Plaza Drive, Suite 650
Las Vegas, Nevada 89135
Telephone: (702) 792-7000
Facsimile: (702) 796-7181
Email: rlower@kcnavlaw.com
Email: rthompson@kcnavlaw.com

Thomas J. Finn (*Pro Hac Vice*)
James E. Regan (*Pro Hac Vice*)
McCarter & English, LLP
185 Asylum Street
Hartford, CT 06119
Telephone: (860) 560-5908
Facsimile: (860) 560-5908
Email: tfinn@mccarter.com
Email: jregan@mccarter.com

Attorneys for Plaintiff
TEMSA ULASIM ARACLARI
SANAYI VE TICARET A.S.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

TEMSA ULASIM ARACLARI SANAYI
VE TICARET A.S.,

Plaintiff,

vs.

TC NEVADA, LLC, MICHAEL
HAGGERTY, JOHN P. HAGGERTY,
AND OLGA F. HAGGERTY,

Defendants.

Case No. 2:18-cv-01738-APG-EJY

**STIPULATION TO EXTEND
DISCOVERY DEADLINES**

(SEVENTH REQUEST)

1 Pursuant to LR IA 6-1 and LR 26-3. The Parties stipulate and agree to
2 extend the deadlines set forth in the current Discovery Plan and Scheduling Order
3 (ECF 88, filed February 12, 2024), subject to the Court's approval. Specifically, the
4 Parties request a (30) day extension until May 30, 2024, *nunc pro tunc*, from the date
5 of the Court's Order granting in part and denying in part Plaintiff's Motion to Strike
6 Defendants' Expert Disclosures (ECF No. 97) for the Plaintiff to disclosure a
7 rebuttal expert in connection with the options that were not stricken.¹ In addition,
8 the Parties respectfully request a sixty (60) day extension for the close of discovery
9 until August 9, 2024 and a corresponding sixty (60) day extension for the deadline
10 to file dispositive motions, until September 6, 2024.

11 The Parties represent that good cause exists for extending the discovery
12 deadlines, as noted herein, where the Parties require additional time to complete
13 necessary depositions of key fact witnesses, including non-parties, which
14 depositions have been scheduled. Moreover, additional time would allow the Parties
15 an opportunity to continue to attempt to resolve pending discovery disputes without
16 the need for Court intervention. The Parties have been unable to complete discovery
17 due to scheduling conflicts which arose, impacting counsel for Plaintiff and key
18 witnesses to this case from both sides who are involved in another concurrently
19 pending matter which is schedule for trial, *Cappello Global, LLC v. Temsa Ulasim*
20 *Arclari Sanayi Ve Ticaret A.S. et al*, Docket No. 2:19-cv-10710-MEMF-KS (C. D.
21 Cal. Dec. 18, 2018) (the "California Matter").

22
23
24 ¹ Plaintiff included this request within its Motion to Strike and, therefore, calculates
the proposed deadline from the date of the Court's Order on the Motion to Strike.

1 In further support of their request for an extension of time, the Parties
2 state as follows:

3 **I. INTRODUCTION**

4 As this Court is well aware, while this matter was commenced in 2018,
5 it was stayed for a period of more than three (3) years between January 16, 2020
6 until February 27, 2023 in hope that the conclusion of a then-pending and now
7 complete arbitration, together with the California Matter, may obviate the need to
8 proceed with this matter in its entirety. *See* ECF No. 48. When it became apparent
9 that the arbitration would not resolve the issues in this dispute, the Parties requested
10 that the stay here be lifted. *See* ECF No. 64. After the Court lifted its stay (ECF No.
11 65), the Parties diligently proceeded with discovery, and have requested three
12 extensions of the scheduling order—all of which have been granted upon a showing
13 of good cause, including the substitution of new defense counsel. *See* ECF Nos. 77,
14 84, and 88. While this stipulation is the Parties' seventh request for an extension of
15 time, three of the prior requests for an extension pre-date the stay in this case. *See*
16 ECF Nos. 37, 44, 46.

17 **II. PRIOR DISCOVERY COMPLETED**

18 The Parties have been working diligently to complete discovery, as
19 demonstrated below:

- 20 • Plaintiff served its Initial Disclosures on January 25, 2019;
- 21 • Defendants served their Initial Disclosures on January 25, 2019;
- 22 • Defendants served their First Supplement to Initial Disclosures on
23 March 19, 2019;

- 1 • Defendants served their First Set of Interrogatories and First Set of
- 2 Request for Production of Documents on March 19, 2019;
- 3 • Plaintiff served its First Set of Interrogatories and First Set of Requests
- 4 for Production of Documents on April 9, 2019;
- 5 • Plaintiff served its Responses to Defendants' First Set of
- 6 Interrogatories and First Set of Requests for Production of Documents
- 7 on May 22, 2019;
- 8 • Plaintiff served its First Supplement to Initial Disclosures on May 22,
- 9 2019;
- 10 • Defendants served their Second Supplement to Initial Disclosures on
- 11 June 14, 2019;
- 12 • Defendants served their Responses to Plaintiff's First Set of
- 13 Interrogatories and First Set of Requests for Production of Documents
- 14 on 23 June 19;
- 15 • Defendant John P. Haggerty served his Second Set of Interrogatories,
- 16 First set of Requests for Admissions, and First Set of Requests for
- 17 Production of Documents to Plaintiff on July 19, 2019;
- 18 • Defendants served their Third Supplement to Initial disclosures on July
- 19 19, 2019;
- 20 • Defendants served their Fourth Supplement to Initial Disclosures on
- 21 July 26, 2019;
- 22 • Plaintiff served its Responses to John P. Haggerty's Second Set of
- 23 Interrogatories; First Set of Requests for Admissions, and First Set of
- 24 Requests for Production of Documents to Plaintiff on October 8, 2019;

- 1 • Defendant John P. Haggerty served his Second Set of Request for
- 2 Admissions and Second Set of Requests for Production of Documents.
- 3 • Defendants served their Fifth Supplement to Initial Disclosures on
- 4 November 14, 2019;
- 5 • Plaintiff served its responses to John Haggerty's Request for
- 6 Admissions and Second Set of Request for Production of Documents
- 7 on December 2, 2019;
- 8 • John P. Haggerty served his Third Set of Request for Production of
- 9 Documents on March 20, 2023;
- 10 • Plaintiff served its responses to John P. Haggerty's Third Set of
- 11 Request for Production of Documents on April 19, 2023; and
- 12 • Defendants served their Sixth Supplement to Initial Disclosures on
- 13 May 31, 2023;
- 14 • Defendants served their Seventh Supplement to Initial Disclosures on
- 15 December 11, 2023;
- 16 • Defendant TC Nevada, LLC served its Second Interrogatories on
- 17 December 12, 2023;
- 18 • Plaintiff served its Second Supplement to Initial Disclosures on
- 19 December 19, 2023;
- 20 • Plaintiff served its Responses to Defendant TC Nevada, LLC'S
- 21 Second Set of Interrogatories on January 12, 2023;
- 22 • Plaintiff served its Disclosure of Expert Witness Fatih Kozan on
- 23 January 10, 2024;
- 24

- 1 • Plaintiff served its Disclosure of Expert Witness Randy Angell on
- 2 January 10, 2024;
- 3 • Defendants served its Designation of Expert Witnesses on January 10,
- 4 2024;
- 5 • Defendants served their Eighth Supplement to Initial Disclosures on
- 6 February 20, 2024; and
- 7 • This Court granted in part and denied in part Plaintiff's Motion to
- 8 Strike Defendants' Expert Witness Testimony and Reports (ECF No.
- 9 97 filed on April 30, 2024).

10 **III. DISCOVERY THAT REMAINS TO BE COMPLETED**

- 11 • Depositions of Parties and third-party witnesses;
- 12 • Discovery of documents in the possession, custody or control of
- 13 others, which are currently the subject of pending discovery disputes
- 14 that counsel it attempting to resolve without the Court's intervention;
- 15 • Depositions of experts; and
- 16 • Designation of Plaintiff's rebuttal expert witness following the Court's
- 17 recent order granting in part and denying in part Plaintiff's Motion to
- 18 Strike Defendants' Expert Witness Testimony and Reports. (ECF No.
- 19 97 filed on April 30, 2024).

20 **IV. REASONS DISCOVERY IS NOT COMPLETED**

21 Since the Court's most recent extension of the scheduling order (on
 22 February 12, 2024, *see* ECF No. 88), the Parties have exchanged additional written
 23 discovery requests in the hope of narrowing the scope of discovery and expediting
 24 the discovery process. Since then, Plaintiff also filed a Motion to Strike Defendants'

1 Expert Witnesses Designations and Accompanying Expert Reports and to Exclude
2 Defendants' Intended Expert Witness Testimony (ECF No. 89), in an effort to
3 narrow the scope of discovery and avoid spending unnecessary time and money in
4 this case. The Court granted in part and denied in part Plaintiff's Motion to Strike
5 (*see* ECF No. 97). Now that the Court has narrowed the issues raised in Plaintiff's
6 Motion to Strike, Plaintiff needs additional time to disclose its rebuttal expert
7 witness (if needed) and depose Defendants' remaining expert witness, Mr. Karl
8 Schulze.

9 The Parties are working cooperatively to address these issues, having
10 exchanged thoughtful and detailed meet and confer letters and with meet and confer
11 conferences set to occur in the immediate future. Since these issues have been
12 identified, counsel has worked diligently to address the issues, a task made more
13 challenging and time-consuming given that the bulk of the discovery at issue pre-
14 dates current Defense counsel's appearance in this matter. Despite best efforts, the
15 resolution of the pending discovery disputes, including the submission of rebuttal
16 experts and depositions of such experts (if needed) cannot reasonably be
17 accomplished prior to the current discovery deadline of June 10, 2024.

18 The Parties' work on this matter has further been hampered by the
19 fact that Plaintiff's lead counsel had also been preparing for a trial in the
20 Connecticut Superior Court that was scheduled for May 7, 2024 through May 31,
21 2024, which as of the time of this filing has been resolved.

22 In light of the foregoing, an extension of time would be in the interest
23 of all Parties, and would promote judicial economy by allowing the Parties an
24 opportunity to resolve pending discovery disputes without the need for the Court's

1 intervention. The Parties intend that this will be the last request to amend the
2 scheduling order; and, therefore, the dates proposed below take into consideration
3 the possibility of motion practice on discovery and experts, as well as the possibility
4 that the California Matter proceeds to trial in January 2025.

5 **V. PROPOSED SCHEDULE**

6	Rebuttal Expert Disclosures	May 30, 2024
7	Close of Discovery	August 9, 2024
8	Dispositive Motions	September 6, 2024
9	Joint Pre-Trial Order	Sixty (60) days after the Court's
10		ruling on all dispositive motions

VI. CONCLUSION

Based upon the foregoing, the Parties respectively request that this Court issue an Order extending discovery as set forth above.

DATED: May 20, 2024

DATED: May 20, 2024



/s/ Thierry V. Barkley

Kaempfer Crowell
Ryan M. Lower, Esq.
Raleigh C. Thompson, Esq.
1980 Festival Plaza Drive, Suite 650
Las Vegas, NV 89135

GORDON REES SCULLY
MANSUKHANI, LLP
Robert R. Schumacher, Esq.
Thierry V. Barkley, Esq.
1 E. Liberty Street, Suite 424
Reno, Nevada 89501

McCARTER & ENGLISH, LLP
James E. Regan, Esq. (*Pro Hac Vice*)
Thomas J. Finn, Esq. (*Pro Hac Vice*)
185 Asylum Street
Hartford, Connecticut 06119

Attorney for Defendants

Attorneys for Plaintiff

ORDER

IT IS SO ORDERED; provided, however, no further extensions of discovery will be granted absent extraordinary unforeseen circumstances.



U.S. MAGISTRATE JUDGE

DATED: May 20, 2024